

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NORTH DAKOTA

In Re:	)	
	)	
Bourbon Street LLC	)	Case No. 23-30246
Dbal La Cantina, et al	)	
	)	Chapter 11
Debtor,	)	Subchapter V
	)	Jointly Administered
	)	
Petri Enterprises, LLC,	)	Case No. 23-30247
Dbal La Cantina,	)	Chapter 11
Dbal Heros and Legends Sports Bar,	)	Subchapter V
Dbal Heros and Legends,	)	Jointly Administered
	)	
Debtor,	)	
	)	
Gannett Peak, LLC,	)	Case No. 23-30248
Dbal La Cantina,	)	Chapter 11
	)	Subchapter V
	)	Jointly Administered
Debtor,	)	

**THOMAS KAPUSTA, AS SUBCHAPTER V TRUSTEE, RESPONSE TO THE MOTION TO DISMISS OR CONVERT CHAPTER 11 CASES TO CHAPTER 7 AND AMENDMENT TO RESPONSE TO THE MOTION TO DISMISS OR CONVERT CHAPTER 11 CASES TO CHAPTER 7**

COMES NOW Thomas Kapusta, as Subchapter V Trustee (“Trustee”) hereby files his *Response to the Motion to Dismiss or Convert Chapter 11 Cases to Chapter 7 and Amendment to Response to the Motion to Dismiss or Convert Chapter 11 Cases to Chapter 7*. [Case No. 23-30246, ECFs 94, 151].

In support of its Response, Trustee respectfully states as follows:

1. On December 5, 2023, the Court ordered interested parties to file a pleading stating their position regarding whether the UST’s Motion to Dismiss or Convert should be granted, and, if so, whether they advocate for dismissal or conversion. [Case No. 23-30246, ECF 149].
2. On December 7, 2023, the US Trustee (“UST”) filed an Amendment to Motion to Dismiss or Convert Case from Chapter 11 to 7 stating, in part, “**The UST’s preference is for conversion of the Gannet Peak LLC and Petri Enterprises LLC cases.**” See Amendment to Motion to Dismiss or

Convert, p. 2, ¶ 7. [Case No. 23-30246, ECF 151]. The UST also supported either conversion of dismissal of the Bourbon Street case.

3. On December 11, 2023, Kapitus, a secured creditor and party-in-interest filed a response to UST's motion also supporting the conversion of Debtor, Petri Enterprises LLC case to Chapter 7 for many, if not all, of the reasons cited by the Amendment to Motion to Dismiss or Convert Case.

4. For the reasons stated in the UST Amendment to Motion to Dismiss or Convert Case and for the reasons stated in Kapitus' response, the Trustee hereby supports conversion to Chapter 7 for the Debtors Bourbon Street, LLC, Petri Enterprises, LLC and Gannet Peak, LLC.

### **CONCLUSION**

Based on the foregoing, Trustee respectfully requests that the Court enter an order converting Debtors Bourbon Street, LLC, Petri Enterprises, LLC and Gannet Peak, LLC cases from Chapter 11 to Chapter 7, and grant such other and further relief as the Court deems appropriate in law or equity.

Dated: December 11, 2023

Respectively submitted,

Signed: s/Thomas J. Kapusta

Thomas J. Kapusta  
TK Enterprises, LLC  
PO Box 90624  
Sioux Falls, SD 57109  
Phone: 605-376-6715  
email: tkapusta@aol.com  
Sub Chapter V Trustee

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NORTH DAKOTA

In Re:	)	
	)	
Bourbon Street LLC	)	Case No. 23-30246
Dbal Cantina, et al	)	
	)	Chapter 11
Debtor,	)	Subchapter V
	)	Jointly Administered
	)	
Petri Enterprises, LLC,	)	Case No. 23-30247
Dbal Cantina,	)	Chapter 11
Dbal Heros and Legends Sports Bar,	)	Subchapter V
Dbal Heros and Legends,	)	Jointly Administered
	)	
Debtor,	)	
	)	
Gannett Peak, LLC,	)	Case No. 23-30248
Dbal Cantina,	)	Chapter 11
	)	Subchapter V
	)	Jointly Administered
Debtor,	)	

**CERTIFICATE OF SERVICE**

Thomas Kapusta, Subchapter V Trustee, hereby certifies the filing of this document caused service via CM/ECF upon all CM/ECF recipients.

Dated: December 11, 2023

/s/ Thomas Kapusta  
Thomas Kapusta